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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Harley

Serial No.: 07/867,819

Group Art Unit: 1813

Filed: April 13, 1992

Examiner: Caputa, A.

For: METHODS AND REAGENTS FOR DIAGNOSIS OF AUTOANTIBODIES

Assistant Commissioner for Patents  
Washington, D.C. 20231

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DEC 2 1998  
OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

PETITION TO REVIVE

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Dear Sir:

An Office Action was mailed December 2, 1996, in the above-identified application. This Office Action reiterated the substance of a telephone conversation between the examiner and the undersigned on November 22, 1996, and on November 27, 1998, between the examiner and Robert Hodges, in which the examiner identified several deficiencies in the sequence listing and requested the sequence listing be handcarried in to him along with an appropriate amendment. Copies of these notes are attached as Exhibit A. A response to these telephone conversations and this Office Action, a copy of which is enclosed as Exhibit B, was hand carried into the Patent Office on December 2, 1996. A copy of the postcard showing receipt by the Patent Office on December 2, 1996, is also enclosed with Exhibit B. Note also the date on the Sequence Listing is November 27, 1996, the day of the telephone conversation between the Examiner and Robert Hodges.

A telephone call to the Examiner was made on March 24, 1997, regarding the status of this case. The undersigned was informed that the application had mistakenly been sent

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to abandoned files and would be retrieved, allowed, and sent to the issue branch. The application was docketed for a follow-up six months later on October 31, 1997 (initials are for Jeanette Stines-Hatcher, our docket clerk). A copy of this phone message slip is enclosed as Exhibit C.

A Notice of Abandonment mailed October 31, 1997 was received November 7, 1997. A message was left as to the status of the application but no response was received. Additional calls were made and we were advised that a number of files had been misplaced as a result of various moves at the Patent Office and we should check back in a few months.

On August 11, 1998, when my docket clerk, Jeanette Stines-Hatcher again called the PTO status line, to ascertain the status of the application, she was advised that a formal status request should be filed since the application was still in the Abandoned Files. A copy of her notes is attached as Exhibit D. A formal status request with copies of all of the documents referred to above including proof of receipt by the Patent Office was then mailed on August 11, 1998. A copy of the proof of filing is attached as Exhibit E.

The undersigned received a call from the Examiner on November 24, 1998, advising that he now had the file but that the response filed December 2, 1996 was not fully responsive to the Office Action and that was why the application went abandoned. The undersigned requested that if there were any issues not resolved by the response mailed December 2, 1996, these be acted on by telephone since it has now been two years since the case has been acted on and no notice of deficiency in the response was ever mailed in the case.

The undersigned was advised on November 30, 1998, by the Examiner that a

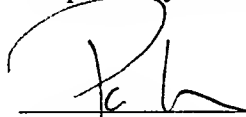
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Petition to Revive would have to be filed before he would take any further action in the application.

Applicant hereby petitions to revive this application which is believed to have been abandoned through inadvertant error by the Patent Office. It is believed that no fee is required. However, the Assistant Commissioner is authorized to charge any requisite fees which may be due to our Deposit Order Account No. 01-2507.

I declare that all statements made herein of my own knowledge are true and that all statements made by others are believed to be true. These statements are made with the knowledge that willful false statements are punishable by fine or imprisonment under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

  
Patrea L. Pabst  
Reg. No. 31,284

Dated: November 30, 1998  
ARNALL GOLDEN & GREGORY LLP  
1201 West Peachtree Street  
2800 One Atlantic Center  
Atlanta, Georgia 30309-3450  
(404) 873-8794